

REMARKS

Applicant's Attorney wishes to thank Examiner Hylton for the courtesies extended during the Telephonic Interview on April 2, 2004, and Supervising Examiner Young for similar courtesies extended during the Telephonic Interview on April 7, 2004, in regard to the Final Office Action mailed March 10, 2004. Applicant respectfully requests reconsideration of the present application in light of these remarks and the Request for Continued Examination and Preliminary Amendment submitted herewith.

Applicant has cancelled Claims 7, 13-16 and 21-31 and added new Claims 32- 35. Since the new Claims now particularly point out and distinctly claim Applicant's invention, which is distinguishable over the cited prior art, Applicant respectfully requests favorable action on the present application.

I. Drawings Introduce New Matter.

The Examiner has objected to the formal drawings received on November 28, 2003. The Examiner states the drawings introduce new matter. In particular, the Examiner states:

The drawings figures appear to delete or provide details not distinguishable in the originally filed drawings. For instance, the structure of the valve in Figure 3 appears to add slits not readily seen in the originally filed drawings and the structure of figure[] 6 adds a hanger not originally depicted.

Applicant, respectfully traverses these objections. Applicant reiterates the discussion during the telephone interview conducted on April 2, 2004, that the drawings submitted on November 17, 2003, are the formal version of the originally filed photocopies of photographs of the invention submitted on December 27, 2001. These formal drawings remove shadows, shading and lighting highlights resulting from camera flash reflecting off the invention, which

comprises a semi-transparent, flexible plastic container. Furthermore, the substitute formal drawings, substituted on November 17, 2003, better enhance the valve features in Figure 3. Thus, this shading should not be construed as any new limitation, new matter, or added feature of the present invention. Therefore, Applicant respectfully requests withdrawal of this objection.

Further, hanger 18 is disclosed in the Specification on pages 5-6 and is displayed in Figures 1-5. More specifically, the Specification in paragraph [0021] discloses for the first embodiment, a "[m]eans for hanging 18 [] attached to or integrally formed from the flexible member 12". Figure 6 merely depicts a star shaped embodiment of the Figure 1 embodiment where the camera flash has merely over-exposed part of hanging feature [18]. Therefore, Applicant respectfully requests withdrawal of this objection.

Applicant believes that the formal drawings submitted on November 17, 2003 do not introduce new matter and should be accepted. Thus, Applicant respectfully also maintains that the new subject matter objections should be withdrawn.

II. Objection of the Specification

The Examiner has objected to the Specification stating:

The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP [Section] 608.01(o). Correction of the following is required: "means for sealing the flexible members such that a chamber forms there[] between" and "a gusset for reinforcement".

Applicant respectfully traverses the objection. In the Specification, the limitation of "a means for sealing the flexible members such that chamber forms there[] between" is located on page 5, paragraph 24, to wit;

When it is desirable to seal the chamber 16, the stopper 22 may be inserted into the stem

20, which is then pushed inward into the chamber 16 in a retracted position, as shown in Fig. 3.

Chamber 16, as shown in Figure 2, is the space inside flexible member 12. Further, chamber 16, as illustrated in Figure 3, is sealed when stopper 22 is inserted into stem 20 and retracted into chamber 16. Therefore, the “means for sealing the flexible members” wherein chamber 16 is the space inside flexible member 12 has proper antecedent basis contain in both in the Specification and the drawings for the claimed subject matter. Thus, Applicant respectfully requests the rejection on this basis be withdrawn.

A gusset 24 is utilized for reinforcement in the present invention. As disclosed in the Specification on page 5, paragraph [0024], the valve has a “gusset (24) for reinforcement”. Gusset 24 is displayed in Figure 2 at a lower portion of stem 20 of the valve. Thereby, gusset 24 serves at least one purpose by preventing the valve being stressed when stopper 22 is attached to the stem as shown in paragraph [0024]. Thus, Applicant respectfully requests the Examiner’s objection to this claimed subject matter be withdrawn.

III. Claims 7 is rejected under the first paragraph 35 U.S.C. § 112

The Examiner has rejected Claim 7 under 35 U.S.C. § 112, first paragraph.

Claim 7 has been cancelled.

IV. Claims 7 and 21 are rejected under the second paragraph 35 U.S.C. § 112

The Examiner has rejected Claims 7 and 21 under 35 U.S.C. § 112, second paragraph.

Claim 21 has been cancelled.

V. Rejection of Claims 7 and 20-30 under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 7 and 20-30 under 35 U.S.C. §103(a)

as being unpatentable over Perali et al (U.S. 4,914,762) in view of Jaw (U.S. 5,119,842).

Claims 7 and 20-30 have been cancelled.

VI. Rejection of Claim 31 under 35 U.S.C. § 103(e):

Claim 31 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art as applied to Claim 20 above, and further in view of Breedlove (U.S. 5, 191, 665).

Claim 31 has been cancelled.

VI. Rejection of Claims 13-16 under 35 U.S.C. § 103(a):

Claims 13-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Perali in view of Jaw and Breedlove.

Claims 13-16 have been cancelled.

VII. New Claims 32-35:

Applicant has added new Claims 32-35 to more particularly point out and distinctly claim his invention which incorporates an unobvious combination of features not found in the prior art; to wit:

32. (new) A flexible container for fluids comprising:

at least two flexible members forming a chamber therebetween for containing fluids, said flexible members have a modulus of elasticity conducive to liquid containment and gaseous inflation; and

flexible closure means, coupled to at least one of said flexible members, having a hollow cylinder having an open end and a sealed end, said sealed end extending into the chamber, and a transfigurable slit disposed near the sealed end, for selective flow restriction, and for repetitive filling and expelling fluids from said chamber in response to

squeezing force selectively applied to said closure means;

said closure means further including a stopper means for sealing said open end of said hollow cylinder.

33. (new) A flexible container for fluids, the container comprising:

a first flexible member formed of vinyl material having a modulus of elasticity conducive to liquid containment and gaseous inflation;

a second flexible member formed of vinyl material having a modulus of elasticity conducive to liquid containment and gaseous inflation attached to said first flexible member along a seam for forming a chamber therebetween;

flexible sealing means for flow restriction, having a transfigurable slit, attached to at least one of said flexible members for repetitive transfer through said transfigurable slit of liquid and gaseous fluids into and from said chamber in response to squeezing applied force to said sealing means; and

a means attached for hanging said flexible container to one of the flexible members or the flexible sealing means.

34. (new) A bag for containing fluid, comprising:

a flexible bag body;

flexible closure means having a flared end attached to said bag body, a retractable valve stem having a sealed end which is extendable into said flared end and a slim transfigurable slit formed in the cylinder adjacent to said sealed end for fluid exchange in response to squeezing force applied thereto; and

a plug for sealing the other end of the stem.

35. (new) The container of Claim 34, further including a hangar.

CONCLUSION

Claims 16 and 20-31 have been cancelled and new Claims 32- 35 have been added. Applicant respectfully submits that the invention of new Claims 32-35 are patentably distinct over the cited references.

Applicant believes that the new claims, are unobvious over Perali in view of Jaw as required by 35 U.S.C. §103(a), are unobvious over Perali in view of Jaws and further in view of Breedlove as required by 35 U.S.C. §103(a), or are non-obvious by Perali in view of Jaws and Breedlove as required by 35 U.S.C. §103(a) as none of them show or suggest the combination of features of the present invention which includes the transfigurable slit. Therefore, Applicant believes the present invention is patentable and patentable to him.

In view of the foregoing amendment and remarks, favorable consideration by the Examiner, allowance of the pending claims, and passage of the present application to issuance are accordingly solicited. The Examiner is cordially invited to telephone the undersigned for any reason which would advance prosecution of the present application.

Respectfully submitted,



F. David LARiviere
Reg. No. 27,207

FDL/rm
Submitted: June 9, 2004
LARIVIERE, GRUBMAN & PAYNE, LLP
Post Office Box 3140
Monterey, CA 93942
(831) 649-8800